

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 IO-13 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 4104
INFO AMEMBASSY BRASILIA PRIORITY
AMEMBASSY LIMA PRIORITY
AMEMBASSY MONTEVIDEO PRIORITY
AMEMBASSY SANTIAGO PRIORITY

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E.O. 11652: N/A

TAGS: PBOR, PINT, AR, CI

SUBJECT: ARGENTINA-CHILE: MORE ON THE BEAGLE

REF: (A) BUENOS AIRES 0198 (B) STATE 007082

SUMMARY: THE ARGENTINE GOVERNMENT DOES NOT EXPECT
ANY LAST MINUTE DIPLOMATIC BREAKTHROUGH WITH CHILE
ON THE BEAGLE CHANNEL DISPUTE AND WILL FORMALLY
REJECT THE BEAGLE AWARD PROBABLY ON JANUARY 25, A
HIGH RANKING FOREIGN MINISTRY OFFICIAL TOLD EMBASSY
OFFICER YESTERDAY (JANUARY 11). END SUMMARY.

1. THE FOREIGN MINISTRY'S LATIN AMERICAN AFFAIRS
DIRECTOR MARTINEZ CONFIRMED TO EMBASSY OFFICER
YESTERDAY (JANUARY 11) THAT GOA DOES NOT EXPECT ANY
LAST MINUTE DIPLOMATIC BREAKTHROUGH WITH CHILE OVER
THE BEAGLE CHANNEL DISPUTE AND THAT IT WILL
OFFICIALLY REJECT THE AWARD, PROBABLY ON JANUARY 25. GOA
BASES ITS UNILATERAL REJECTION ON JURIDICAL ERRORS IN THE
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RULING, WHICH INCLUDE THE COURT'S FAILING TO TAKE INTO ACCOUNT
THE OCEANIC PRINCIPLE OF EARLIER ARGENTINE-CHILEAN TREATIES
AND ITS ERROR IN THE AWARD PREAMBLE WHICH STATES BOTH PARTIES
AGREED TO CONSIDER THE THREE ISLANDS IN THE DISPUTE AS ONE
(A POSITION NEVER AGREED TO BY ARGENTINA). THE FOREIGN
MINISTRY INTENDS TO INFORM FRIENDLY GOVERNMENTS --LATIN
AMERICA, THE U.S. AND THE UK -- OF THE ARGENTINE DECISION

AND THE BASIS FOR ITS REJECTION IN AN AIDE-MEMOIRE WHICH WILL BE TRANSMITTED THROUGH ARGENTINE EMBASSIES IN THOSE COUNTRIES A FEW DAYS BEFORE THE FORMAL ANNOUNCEMENT. THE ARGENTINE AMBASSADORS TO THE OAS AND THE UN HAVE BEEN RECALLED TO ARGENTINA TO BE FULLY BRIEFED INTO THE MATTER. THE FOREIGN MINISTRY IS PRESENTLY PREPARING A "WHITE PAPER" TO EXPLAIN THE ARGENTINE POSITION IN FULL AND FOLLOWING THE REJECTION ANNOUNCEMENT, ARGENTINE EMBASSIES OVERSEAS WILL BE ASKED TO INFORM THEIR HOST GOVERNMENTS OF THE ARGENTINE POSITION. PRESIDENT VIDELA HAS NOT YET APPROVED THE ABOVE "SCENARIO" IN FULL BUT HE IS EXPECTED TO DO SO. (PRESIDENT VIDELA AND ADMIRAL MASSERA HAVE REPORTEDLY RETURNED TO BUENOS AIRES, VIDELA INTERRUPTING HIS VACATION IN THE SOUTH AND MASSERA RETURNING FROM ABOARD AN ARGENTINE AIRCRAFT CARRIER WHERE HE WAS PARTICIPATING IN NAVAL MANUEVERS OFF THE ARGENTINE COAST. ALTHOUGH VIDELA'S RETURN MAY HAVE BEEN PLANNED PREVIOUSLY TO TAKE UP OTHER MATTERS AS WELL, NEWSPAPERS SPECULATE THAT THE JUNTA MAY MEET TO DISCUSS THE BEAGLE DISPUTE AND BE BRIEFED ON THE POLITICAL INFORMATION CAMPAIGN BEING DEVELOPED TO SECURE INTERNATIONAL SUPPORT FOR THE ARGENTINE REJECTION.)

2. IN RESPONSE TO EMBOFF'S MENTION OF THE OAS MECHANISMS FOR HELP IN RESOLVING THE DISPUTE (SEE REFTEL B), MARTINEZ SAID ARGENTINA DOES NOT FORESEE ANY RESORT TO AN OUTSIDE MEDIATOR. ARGENTINA HAS ALREADY MADE ITS DECISION UNILATERALLY TO REJECT THE AWARD AND TO DEFEND ITS DECISION ON JURIDICAL GROUNDS. MARTINEZ LIMITED OFFICIAL USE

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EMPHASIZED THAT ARGENTINA NEITHER WANTED NOR EXPECTED THE ISSUE TO ERUPT INTO ARMED CONFLICT IN THE DISPUTED AREA, BUT SAID THAT IN THE UNFORESEEN EVENT OF SOME "INCIDENTS" IN THE AREA, ARGENTINA WAS AWARE OF THE MECHANISMS PROVIDED IN THE OAS AND THE RIO TREATY. HE DOWNPLAYED THE IMPORTANCE OF ANY POSSIBLE SPONTANEOUS INCIDENTS IN THE AREA WHICH HE SAID HAVE OCCURRED SPORADICALLY IN THE PAST AND MEAN NOTHING.

3. AS HAS BEEN REPORTED IN THE LOCAL PRESS, GOA FULLY EXPECTS CHILE WILL APPEAL THE CASE TO THE INTERNATIONAL COURT. ARGENTINA, HOWEVER, WILL NOT SUBMIT TO FURTHER ARBITRATION AND, AS FAR AS ARGENTINA IS CONCERNED, THE MATTER WILL AGAIN REVERT TO A BILATERAL ISSUE TO BE RESOLVED IN DIRECT NEGOTIATIONS WITH CHILE. THE MAIN DIFFERENCE IS THAT THE AREA IN DISPUTE WILL BE ENLARGED FROM THE "HAMMER" TO THE ENTIRE AREA FROM THE STRAITS

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OF MAGELLEN TO CAPE HORN. WHEN ASKED WHAT ARGENTINA'S
RESPONSE WOULD BE IF CHILE APPEALS FOR SUPPORT FOR ITS
POSITION FROM ABROAD, MARTINEZ ASKED RHETORICALLY WHERE
CHILE WOULD FIND ANY. ARGENTINA, HE ADDED POINTEDLY, IS
ONE OF THE FEW FRIENDS CHILE HAS LEFT IN THE WORLD.

4. MARTINEZ NOTED THAT DESPITE ARGENTINA'S REJECTION OF THE
AWARD, GOA HAS LEFT THE DOORS OPEN FOR BILATERAL NEGOTIATIONS
(THROUGH STATEMENTS MADE BY MINISTER MONTES) AND THAT THE NEXT
MOVE WILL HAVE TO BE MADE BY CHILE. AS FOR RUMORS THAT
PRESIDENT PINOCHET MAY SEEK A MEETING WITH PRESIDENT VIDELA
TO DEFUSE THE MATTER, MARTINEZ SAID THAT WHETHER THE
PRESIDENTS MEET OR NOT, IT WILL NOT AFFECT ARGENTINA'S DECISION TO
REJECT THE AWARD. HE PERSONALLY DOUBTED THAT SUCH A MEETING
WOULD TAKE PLACE AND SAID THAT BORDER DISPUTES BETWEEN THE TWO
COUNTRIES, SUCH AS THE ONE IN THE BEAGLE CHANNEL AREA, ARE LONG
STANDING AND WILL REQUIRE CONSIDERABLE NEGOTIATION AND TIME TO
RESOLVE DEFINITELY.

5. COMMENT: WE UNDERSTAND THAT IN AN EXCLUSIVE INTERVIEW GIVEN EARLIER
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THIS WEEK TO THE ARGENTINE WEEKLY MAGAZINE "SOMOS", PRESIDENT
PINOCHET STATED HIS DESIRE TO MEET WITH PRESIDENT VIDELA, WHO
AT THAT TIME WAS VACATIONING NEAR THE CHILEAN BORDER, TO
DISCUSS THE BEAGLE CHANNEL DISPUTE. THE "SOMOS" ARTICLE,
WHICH WILL BE PUBLISHED TOMORROW (JANUARY 13), SPECULATES THAT

A VIDELA-PINOCHET SUMMIT MEETING MIGHT TAKE PLACE AFTER THE ARGENTINES REJECT THE ARBITRATION AWARD ON JANUARY 25. THE ARGENTINE NAVY'S CHIEF OF INTELLIGENCE TOLD NAVATT THAT THE ARGENTINES WERE INTERESTED IN THE POSSIBILITY OF A SUMMIT MEETING BETWEEN PINOCHET AND VIDELA AS A POSSIBLE MEANS OF BREAKING TH CURRENT IMPASSE IN BILATERAL NEGOTIATIONS OVER THE BEAGLE CHANNEL QUESTION. THE NAVY SOURCE ALSO STATED THAT GOA MIGHT BE INTERESTED IN THIRD PARTY MEDIATION, CITING FRANCE, THE NETHERLANDS AND THE U.S. AS COUNTRIES WHICH MIGHT APPROPRIATELY PLAN THIS ROLE. HOWEVER, THIS SOURCE GAVE NO INDICATION THAT HE EXPECTED A NEW INITIATIVE OF THIS SORT PRIOR TO ARGENTINA'S FORMAL REJECTION OF THE ARBITRATION DECISION.

CASTRO

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